



Jeffrey L. Riback
Assistant General Counsel

July 28, 2005

CERTIFIED MAIL

EPA Region 2 (Regional Hearing Clerk)
P.O. Box 360188M
Pittsburgh, PA 15251

Re: Consolidated Edison Company of New York, Inc.
Consent Agreement and Final Order
Docket No. TSCA-02-2005-9207

Dear Sir or Madam:

In accordance with the above-referenced Consent Agreement and Final Order ("CAFO"), ratified by the Acting Regional Administrator, EPA Region 2, on July 1, 2005, Consolidated Edison Company of New York, Inc. ("Con Edison") encloses a check in the amount of \$32,550, payable to the Treasurer of the United States of America. Further, as directed pursuant to the CAFO, Con Edison is submitting of copy of this transmittal letter and check payment to the parties identified below.

Please contact me if there are any questions associated with the submittal of this payment pursuant to the CAFO.

Very truly yours,

Enclosure

cc: Ann Finnegan, Life Scientist ✓
Pesticides and Toxic Substances Branch

Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 2

DO NOT CASH UNLESS BACK OF CHECK CONTAINS ARTIFICIAL WATERMARK



4 IRVING PLACE
NEW YORK, NY 10003

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PAY ***** THIRTY TWO THOUSAND FIVE HUNDRED

TO THE
ORDER OF

TREASURER OF THE UNITED STATES
OF AMERICA *
EPA TSCA-02-2005-9207

PAYABLE AT
MELLON BANK, N.A.
PITTSBURGH, PA

Joseph P.
VICE PRESIDENT & TR
CON EDISON

⑈00731136⑈ ⑆043301601⑆ 000⑈3156⑈



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

2890 WOODBRIDGE AVE.
EDISON, NEW JERSEY 08837

JUL - 8 2005

CERTIFIED MAIL-
RETURN RECEIPT REQUESTED

Mr. Randolph Price, Vice President
Environmental Health & Safety
Consolidated Edison Company of New York, Inc.
4 Irving Place
New York, N.Y. 10003-3598

Re: In the Matter of Consolidated Edison Company of New York, Inc.
Docket No. TSCA-02-2005-9207

Dear Mr. Price:

Enclosed is a fully executed copy of the Administrative Consent Agreement and Final Order in the above-referenced proceeding, signed by the Regional Administrator of the U.S. Environmental Protection Agency, Region 2.

Please note that the forty-five (45) day period for payment of the civil penalty commenced as of the date this Consent Agreement was signed by the Regional Administrator. Please arrange for payment of this penalty according to the instructions given within the enclosed document under "Terms of Consent Agreement". Further, please ensure that a copy of their payment check is mailed to the EPA staff member listed in that section of the Agreement.

Please contact Ann Finnegan of my staff at (732) 906-6177, should you have any questions regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads "Daniel Israft for".

Kenneth S. Stoller, P.E., QEP, DEE
Chief
Pesticides and Toxic Substances Branch

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

| | | |
|-----------------------------------|---|--------------------------|
| -----X | : | |
| In the Matter of | : | |
| | : | <u>CONSENT AGREEMENT</u> |
| Consolidated Edison Company | : | <u>AND</u> |
| of New York, Inc., | : | <u>FINAL ORDER</u> |
| | : | |
| Respondent. | : | |
| | : | Docket No. |
| Proceeding under Section 16(a) of | : | TSCA-02-2005-9207 |
| the Toxic Substances Control Act. | : | |
| -----X | : | |

PRELIMINARY STATEMENT

This administrative proceeding for the assessment of a civil penalty was instituted pursuant to Section 16(a) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2615(a). The "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits," 40 C.F.R. Part 22 (July 1, 2000) (hereinafter "Consolidated Rules"), provide in 40 C.F.R. § 22.13(b) that when the parties agree to settle one or more causes of action before the filing of an Administrative Complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Order pursuant to 40 C.F.R. § 22.18(b)(2) and (3). The Director of the Division of Enforcement and Compliance Assistance, Region 2, United States Environmental Protection Agency ("EPA" or "Complainant"), alleges that Respondent Consolidated Edison Company of New York, Inc. ("ConEd") violated Section 6(e) of TSCA, 15 U.S.C. § 2605(e), and the regulations promulgated pursuant to that Section, set forth at 40 C.F.R. Part 761, relating to polychlorinated biphenyls ("PCBs") and Section 15(1) of TSCA, 15 U.S.C. § 2614(1).

EPA and ConEd agree that settling this matter by entering into this Consent Agreement and Final Order ("CAFO") pursuant to 40 C.F.R. § 22.13(b) and 40 C.F.R. § 22.18(b)(2) and (3), is an appropriate means of resolving this case without further litigation. This CAFO is being issued pursuant to said provisions of 40 C.F.R. Part 22. No formal or adjudicated findings of fact or conclusions of law have been made. The following constitute Complainant's findings of fact and conclusions of law.

FINDINGS OF FACT

1. Respondent is Consolidated Edison Company of New York, Inc.
2. By letter dated January 3, 2003, Environmental Protection Services of Wheeling, West Virginia notified EPA that Respondent had sent them an item containing PCBs that was not identified as such on the Bill of Lading.
3. During several telephone conversations and electronic mail messages beginning in April 2003, Respondent notified EPA of certain potential violations of the PCB manifesting and disposal regulations that occurred at or related to their facilities known as the Farrington Flush Station (Queens, New York), and the Manufactured Gas Plant remediation site (Hunt's Point, New York).
4. During several telephone conversations and electronic mail messages beginning in July 2004, Respondent notified EPA of certain potential violations of the PCB regulations that occurred at or related to their facility at Farrington Street and 32nd Avenue (Flushing, New York).

5. Respondent failed to properly identify PCB waste submitted for off-site disposal on EPA Manifest Form 8700-22 in accordance with the specifications and requirements of 40 C.F.R. § 761.207(a). Respondent was required to specify, for each PCB Container, the unique identifying number, identity of the PCB waste, the earliest date of removal from service for disposal, and the weight in kilograms of the PCB waste.

6. Respondent failed to properly dispose of PCB waste in accordance with the specifications and requirements of 40 C.F.R. §§ 761.61(b)(1).

7. Complainant sent to Respondent a "Notice of Opportunity Related to Enforcement Action Under the Toxic Substances Control Act", which alleged the Respondent committed violation(s) of the regulations regarding polychlorinated biphenyls.

CONCLUSIONS OF LAW

1. Respondent, as the owner and/or operator of the facilities which are the subject of this action, is subject to the regulations and requirements pertaining to PCBs and PCB Items promulgated pursuant to Section 6(e) of TSCA, 15 U.S.C. § 2605(e), and set forth at 40 C.F.R. Part 761.

2. Respondent is a "person" within the meaning of 40 C.F.R. § 761.3.

3. Failure to identify PCB waste submitted for off-site disposal on EPA Manifest Form 8700-22 is a violations of 40 C.F.R. § 761.207(a), which is a violation of Section 6(e) and Section 15(1)(C) of TSCA, 15 U.S.C. §§ 2605(e), 2614(1)(C).

4. Failure to properly dispose of PCB waste is a violation of 40 C.F.R.

§§ 761.61(b)(1) and 761.60, which is a violation of Section 6(e) and Section 15(1)(C) of TSCA, 15 U.S.C. §§ 2605(e), 2614(1)(C).

TERMS OF CONSENT AGREEMENT

Based on the foregoing, and pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a) and in accordance with the Consolidated Rules, it is hereby agreed by and between the parties hereto, and accepted by Respondent, that Respondent voluntarily and knowingly agrees to, and shall, comply with the following terms:

1. Respondent shall hereinafter comply with all applicable provisions of TSCA and the regulations promulgated pursuant to it.

2. For the purposes of this Consent Agreement, Respondent (a) admits that EPA has jurisdiction pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), to commence a civil administrative proceeding for the violations alleged in the "Conclusions of Law" section above; (b) neither admits nor denies the specific factual allegations contained in the "Findings of Fact" section, above; and (c) neither admits nor denies the assertions set forth in the "Conclusions of Law" section, above.

3. Respondent shall pay, by cashier's or certified check, a civil penalty in the amount of **Thirty Two Thousand Five Hundred Fifty Dollars (\$32,550.00)**, payable to the "Treasurer of the United States of America". The check shall be identified with a notation of the name and docket number of this case, set forth in the caption on the first page of this document.

Such check shall be mailed to:

EPA Region 2 (Regional Hearing Clerk)
P.O. Box 360188M
Pittsburgh, Pennsylvania 15251

Respondent shall also send copies of this payment to each of the following:

Ann Finnegan, Life Scientist
Pesticides and Toxic Substances Branch
2890 Woodbridge Avenue, MS-105
Edison, New Jersey 08837

and

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007

Payment must be received at the above address on or before 45 calendar days after the date of the signature of the Final Order at the end of this document (the date by which payment must be received shall hereinafter be referred to as the "due date").

- a. Failure to pay the penalty in full according to the above provisions will result in the referral of this matter to the U.S. Department of Justice or the U.S. Department of the Treasury for collection.
- b. Further, if payment is not received on or before the due date, interest will be assessed, at the annual rate established by the Secretary of the Treasury pursuant to the Debt Collection Act, 31 U.S.C. § 3717, on the overdue amount from the due date through the date of payment. In addition, a late payment handling charge of \$15.00 will be assessed for each 30 day period (or any portion thereof) following the due date in which the balance remains unpaid. A 6% per annum penalty also will be applied on any principal amount not paid within 90 days of the due date.

4. This Consent Agreement is being voluntarily and knowingly entered into by the parties in full and final settlement of the civil liabilities that might have attached as a result of the allegations in the Complaint. Respondent has read the Consent Agreement, understands its terms, finds it to be reasonable, and consents to its issuance and its terms. Respondent consents to the issuance of the accompanying Final Order. Respondent agrees that all terms of settlement are set forth herein.

5. Respondent explicitly and knowingly consents to the assessment of the civil penalty as set forth in this Consent Agreement, and agrees to pay the penalty in accordance with the terms of this Consent Agreement.

6. Respondent explicitly waives its right to request or to seek any Hearing on the Complaint or any of the allegations therein asserted, on this Consent Agreement or the Findings of Fact and Conclusions of Law herein, or the accompanying Final Order.

7. Respondent waives any right it may have pursuant to 40 C.F.R. 22.8 to be present during discussions with or to be served with and to reply to any memorandum or communication addressed to the Regional Administrator or the Deputy Regional Administrator where the purpose of such discussion, memorandum, or communication is to discuss a proposed settlement of this matter or to recommend that such official accept this Consent Agreement and issue the attached Final Order.

8. This Consent Agreement does not waive, extinguish, or otherwise effect Respondent's obligation to comply with all applicable federal, state, or local laws, rules, or regulations.

9. Each undersigned signatory to this Consent Agreement certifies that he or she is duly and fully authorized to enter into and ratify this Consent Agreement and all terms and conditions set forth in this Consent Agreement.

10. Each party shall bear its own costs and attorneys fees in this matter.

11. Respondent consents to service upon Respondent of a copy of this Consent Agreement and Final Order by an EPA employee other than the Regional Hearing Clerk.

RESPONDENT:

BY: Randolph Price
Consolidated Edison Company of
New York, Inc.

NAME: Randolph Price
(PLEASE PRINT)

TITLE: VP- EH&S

DATE: 6/10/05

COMPLAINANT:


Dore LaPosta, Director
Division of Enforcement and
Compliance Assistance
U.S. Environmental Protection
Agency - Region 2
290 Broadway
New York, NY 10007

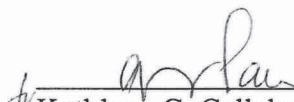
DATE: JUNE 23, 2005

In the Matter of Consolidated Edison Company of New York, Inc.
Docket Number 2-TSCA-2005- 9207

FINAL ORDER

The Regional Administrator of the U.S. Environmental Protection Agency, Region 2 concurs in the foregoing Consent Agreement in the case of In the Matter of Consolidated Edison Company of New York, Inc. bearing Docket Number TSCA-02-2005-9207. Said Consent Agreement, having been duly accepted and entered into by the parties, shall be, and hereby is, ratified, incorporated into and issued, as this Final Order, which shall become effective when filed with the Regional Hearing Clerk of EPA, Region 2 (40 C.F.R. § 22.31(b)). This Final Order is being entered pursuant to the authority of 40 C.F.R. § 22.18(b)(3) and shall constitute and order issued under Section 6 of the Toxic Substances Control Act, 15 U.S.C. § 2605 for purposes of Section 15(1)(C) of TSCA, 15 U.S.C. § 2614(1)(C).

DATE: 7/1/05


Kathleen C. Callahan
Acting Regional Administrator
U.S. Environmental Protection Agency
Region 2
290 Broadway
New York, New York 10007

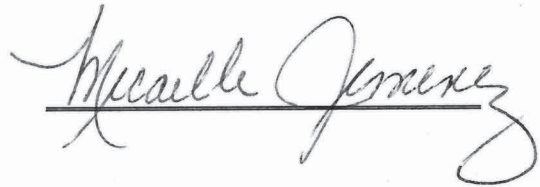
In the Matter of Consolidated Edison Company of New York, Inc.
Docket Number TSCA-02-2005-9207

Certificate Of Service

This is to certify that on the 8th day of July 2005, I served a true and correct copy of the foregoing fully executed Consent Agreement and Final Order bearing Docket number TSCA-02-2005-9207, by certified mail, return receipt requested, to

Mr. Randolph Price, Vice President
Environmental Health & Safety
Consolidatd Edison Company of New York, Inc.
4 Irving Place
New York, N.Y. 10003-3598

On the same date, I mailed via EPA internal mail to the Region 2 Regional Hearing Clerk at 290 Broadway, New York, New York, New York 10007 the original and one copy of the foregoing Consent Agreement and Final Order.

A handwritten signature in cursive script, reading "Michael J. Gomez", is written over a horizontal line.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

DATE: JUN 28 2005

SUBJECT: In the Matter of Consolidated Edison Company of New York, Inc.
Docket No. TSCA-02-2005-9207

FROM: Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

TO: Kathleen C. Callahan
Acting Regional Administrator

Attached please find a Consent Agreement and Final Order for your signature. This is part of a consolidated action taken pursuant to our Consolidated Rules of Practice (40 C.F.R. § 22.18(b)(2) and (3)), which provide that a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order when the parties agree to settle one or more causes of action before the filing of an Administrative Complaint. This Consent Agreement will commence and settle an enforcement action against the above referenced party under Section 16(a) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2615(a).

The Respondent, is the owner of a facility that has owned, used and maintained, stored or disposed of PCBs and PCB Items. On or about April 18, 2003 and July 30, 2004, Respondent notified EPA of potential violations of the Toxic Substances Control Act (TSCA) which may have occurred at Respondent's facilities. Additional information was provided in several subsequent telephone conversations and electronic communications. In addition, by letter dated January 3, 2003, EPA received notification from Environmental Protection Services of Wheeling, West Virginia that ConEd may have failed to manifest PCBs sent to them for disposal. Based on our review of this information, EPA determined that Respondent had:

1. Failed, on three occasions, to identify PCB waste submitted for off-site disposal on EPA Manifest Form 8700-22, in accordance with the specifications and requirements of 40 C.F.R. § 761.207(a).
2. Failed to properly dispose of PCB waste in accordance with the specifications and requirements of 40 C.F.R. §§ 761.61(b)(1) and 761.60.

A Notice of Opportunity Related to Enforcement Action ("Notice") was issued in lieu of a Complaint and Notice of Opportunity for Hearing. A civil penalty of \$93,000 was proposed in this Notice. The amount of the penalty was calculated in conformance with the "Guidelines

for Assessment of Civil Penalties Under Section 16 of the Toxic Substances Control Act; PCB Penalty Policy", which was published on September 10, 1980 in the Federal Register (45 Fed. Reg. 59,770 (1980)) and the "Polychlorinated Biphenyls (PCB) Penalty Policy" (April 9, 1990).

In combination with issuance of the Notice, we included a Consent Agreement and Final Order in order to expedite settlement of this matter. In this Consent Agreement, in order to reach an equitable settlement, we offered Respondent a reduced penalty of \$34,750. This settlement offer included a reduction of 40% (\$ 35,000) in recognition of Respondent's timely self-disclosure of three of the four violations (Violations 2-4) and the fact that Respondent took all actions necessary to address the situation and come into compliance with the regulations. We also included a 15% reduction (\$13,950) for Respondent's good faith and promptness in coming into compliance. Due to Respondent's anticipated willingness to settle this matter in an expeditious manner, an additional 10% reduction (\$9,300) was allowed under the "as justice may require" portion of the penalty policy in consideration of the savings to the Agency in time and cost of litigation.

After their receipt of the Notice, Respondent provided information documenting the fact that they had, in fact, self-disclosed Violation 1 to EPA, but that information had been lost when the recipient passed away. Based on this new information, we offered Respondent a 40% reduction on this violation as well. For convenience of review, these reductions are summarized in the table below:

| | Initial Gravity-Based Penalty | 40% "self-disclosure" as proposed reduction in Notice | 15% "attitude" reduction | 10% "expeditious settlement" reduction | EPA's proposed settlement offer |
|----------------------------------|-------------------------------|---|--------------------------|--|---------------------------------|
| Violation 1 Manifesting | \$5,500 | | \$825 | \$550 | \$4,125 |
| Violation 2 Manifesting | \$27,500 | \$11,000 | \$4,125 | \$2,750 | \$9,625 |
| Violation 3 Disposal | \$27,500 | \$11,000 | \$4,125 | \$2,750 | \$9,625 |
| Violation 4 Manifesting | \$32,500 | \$13,000 | \$4,875 | \$3,250 | \$11,375 |
| Total as described in the Notice | \$93,000 | | | | \$34,750 |
| Revised settlement offer | | \$2,200 reduction for Violation 1 | | | \$ 32,550 |

As described above, in order to reach an equitable settlement, we offered Respondent a revised settlement offer of \$32,550. This penalty was reduced in accordance with the "Guidelines for Assessment of Civil Penalties Under Section 16 of the Toxic Substances Control Act; PCB Penalty Policy", and the "Polychlorinated Biphenyls (PCB) Penalty Policy". Respondent has agreed to this penalty, and has signed the Consent Agreement.

If this Consent Agreement and Final Order meets with your approval, please sign it and return it to me. If you have any questions regarding this matter, please call me.

Attachment



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

2890 WOODBRIDGE AVENUE

EDISON, NEW JERSEY 08837-3679

MAY 16 2005

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Mr. Randolph Price, Vice President
Environmental Health & Safety
Consolidated Edison Company of New York, Inc.
4 Irving Place
New York, N.Y. 10003-3598

Re: Notice of Opportunity with Respect to Action Under Toxic Substances Control Act

Dear Mr. Price:

On or about April 18, 2003 and July 30, 2004, representatives of Consolidated Edison Company of New York ("ConEd") notified U.S. Environmental Protection Agency ("EPA") Region 2 personnel of a potential violation of the Toxic Substances Control Act (TSCA) which may have occurred at Respondent's facilities. Additional information was provided in several subsequent telephone conversations and electronic communications. In addition, by letter dated January 3, 2003, EPA received notification from Environmental Protection Services of Wheeling, West Virginia that ConEd may have failed to manifest PCBs sent to them for disposal. We have consolidated these reports and will address them altogether in this action.

Based on the information provided, EPA believes that ConEd is in violation of the regulations relating to polychlorinated biphenyls (PCBs), codified at 40 C.F.R. Part 761 and promulgated under authority of Section 6 of TSCA, 15 U.S.C. § 2605.

Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, EPA is authorized to commence civil administrative actions for the assessment of civil penalties for violations of the above cited regulations. Based upon the available information, EPA has tentatively determined that ConEd would be liable to the United States for multiple violations of the regulations at 40 C.F.R. Part 761. Consistent with the provisions set forth in EPA's "Guidelines for Assessment of Civil Penalties Under Section 16 of the Toxic Substances Control Act," which was published on September 10, 1980 in the Federal Register (45 Fed. Reg. 59,770), and EPA's April 9, 1990 "PCB Penalty Policy", the United States may assess a penalty of \$93,000 for such violations. A more detailed description of the violation and potential penalties is included as an enclosure to this letter.

However, our Consolidated Rules of Practice, at 40 C.F.R. §22.13(b), now permit the simultaneous commencement and conclusion of a proceeding without the issuance of a complaint. Any such settlement must be in conformance with the appropriate EPA Enforcement Response Policy and would include ConEd agreeing to pay a monetary penalty as part of a Consent Agreement and Final Order (CAFO). EPA is prepared to consider such an approach in this case, and hereby offers to settle this matter for \$34,750. This reflects a 40 % reduction for the voluntary nature of ConEd's disclosure of certain violations, as well as an overall 25% reduction from the original penalty that could have been assessed for each of the above-described violations. A more detailed description of the reductions is included in the enclosure to this letter.

For your convenience, I have enclosed a CAFO for your review. If you agree with this settlement offer, please sign the original provided and return it for further processing within twenty (20) days of receipt to the attention of Ann Finnegan at the following address:


United States Environmental Protection Agency - Region 2
Pesticides and Toxic Substances Branch
2890 Woodbridge Avenue - MS105
Edison, NJ 08837

A fully executed copy of this document will be mailed to you upon issuance.

If we are unable to reach an expeditious settlement, EPA is prepared to issue an Administrative Complaint in this matter. I have enclosed copies of the Consolidated Rules of Practice (40 C.F.R. Part 22), the PCB penalty policies, and the Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings.

If you have any questions regarding the penalty determination or the settlement process, or would like to schedule a conference to further discuss this matter, please contact Ms. Finnegan at (732) 906-6177.

Sincerely,


Kenneth S. Stoller, P.E., QEP, DEE
Chief
Pesticides and Toxic Substances Branch

Enclosures

Enclosure
Violations and Penalty

1. Failure to manifest PCB waste:

Pursuant to 40 C.F.R. § 761.207(a), Respondent was required to identify PCB waste submitted for off-site disposal on EPA Manifest Form 8700-22. Respondent was required to specify, for each PCB Container, the unique identifying number, identity of the PCB waste, the earliest date of removal from service for disposal, and the weight in kilograms of the PCB waste.

On or about December 18, 2002, ConEd shipped at least two drained rectifiers to Environmental Protection Services of Wheeling, West Virginia on a straight bill of lading. One of the rectifiers contained PCBs over 500 ppm.

Circumstance Level: 1

Extent Category: Minor (less than 5 drained transformers)

Gravity-based Penalty for this violation (prior to March 15, 2004): \$ 5,500

2. Failure to manifest PCB waste:

Pursuant to 40 C.F.R. § 761.207(a), Respondent was required to identify PCB waste submitted for off-site disposal on EPA Manifest Form 8700-22. Respondent was required to specify, for each PCB Container, the unique identifying number, identity of the PCB waste, the earliest date of removal from service for disposal, and the weight in kilograms of the PCB waste.

On or about April 14, 2003, two to four thousand gallons of groundwater from ConEd's Hunt's Point, New York facility was pumped into a tanker truck that is typically reserved for the transportation of PCB-contaminated material. Later tests showed sludge in the tanker contained PCBs over 500 ppm. This tanker of PCB-contaminated water was sent to the Clean Water facility on Staten Island, New York without the waste being described on hazardous waste manifest EPA Form 8700-22, in violation of 40 C.F.R. § 761.207(a).

Circumstance Level: 1

Extent Category: Major (amount more than 1,100 gallons)

Gravity-based Penalty for this violation (prior to March 15, 2004): \$ 27,500

40% Reduction for Voluntary self-disclosure

within 30 days and takes all steps necessary:

- \$ 11,000

Adjusted Penalty for this violation:

\$ 16,500

3. Unauthorized disposal of PCB waste

Pursuant to 40 C.F.R. § 761.61(b)(1), it is required that any person disposing of liquid PCB remediation waste shall do so according to 40 C.F.R. § 761.60(a) or (e), or decontaminate it in accordance with 40 C.F.R. § 761.79. 40 C.F.R. § 761.1(b)(5) states that no person may avoid any provision specifying a PCB concentration by diluting the PCBs, unless otherwise provided

On or about April 14, 2003, two to four thousand gallons of groundwater from ConEd's Hunt's Point, New York facility was pumped into a tanker truck that is typically reserved for the transportation of PCB-contaminated material. Later tests showed sludge in the tanker contained PCBs over 500 ppm. This tanker of PCB-contaminated water was sent to the Clean Water facility on Staten Island, New York. The water was pumped into a barge, into a compartment

which already contained about 200,000 gallons of oily water, in violation of the anti-dilution provision at 40 C.F.R. §761.1(b)(5). This diluted material was not disposed through TSCA-approved disposal methods.

Circumstance Level: 1

Extent Category: Major

(disposal violation - amount more than 25 gallons)

Gravity-based Penalty for this violation (prior to March 15, 2004): \$ 27,500

40% Reduction for Voluntary self-disclosure

within 30 days and takes all steps necessary: - \$ 11,000

Adjusted Penalty for this violation: \$ 16,500

4. Failure to manifest PCB waste:

Pursuant to 40 C.F.R. § 761.207(a), Respondent was required to identify PCB waste submitted for off-site disposal on EPA Manifest Form 8700-22. Respondent was required to specify, for each bulk load of PCBs, the identity of the PCB waste, the earliest date of removal from service for disposal, and the weight in kilograms of the PCB waste.

On or about July 29, 2004, ConEd shipped approximately 3,000 gallons of liquid/sludge waste to Casie ProTank on a straight bill of lading. The waste was later found to contain PCBs over 50 ppm.

Circumstance Level: 1

Extent Category: Major (More than 1,100 gallons)

Gravity-based Penalty for this violation (after March 15, 2004) \$ 32,500

40% Reduction for Voluntary self-disclosure

within 30 days and takes all steps necessary: - \$ 13,000

Adjusted Penalty for this violation: \$ 19,500

Total Gravity-based Penalty for all violations: \$ 93,000

Total Proposed Penalty for All Counts after

self-disclosure reduction: \$ 58,000

15 % reduction (off the gravity based-base penalty for each count) for attitude: \$ 13,950

10% reduction (off the gravity-based base penalty for each count)
for expeditious settlement - \$ 9,300

EPA's settlement offer: \$ 34,750

References:

1. EPA's "Guidelines for Assessment of Civil Penalties Under Section 16 of the Toxic Substances Control Act" [September 10, 1980, in Federal Register (45 Fed. Reg. 59,770)]
2. EPA's "PCB Penalty Policy" (April 9, 1990)
3. The Civil Monetary Penalty Inflation Adjustment Rule [February 13, 2004, in Federal Register (69 FR 7121)]
4. Penalty Policy Supplements pursuant to the Civil Penalty Inflation Adjustment Rule (April 18, 1997)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

| | | |
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| -----X | : | |
| In the Matter of | : | |
| | : | <u>CONSENT AGREEMENT</u> |
| Consolidated Edison Company | : | <u>AND</u> |
| of New York, Inc., | : | <u>FINAL ORDER</u> |
| | : | |
| Respondent. | : | |
| | : | Docket No. |
| Proceeding under Section 16(a) of | : | TSCA-02-2005-9207 |
| the Toxic Substances Control Act. | : | |
| -----X | : | |

PRELIMINARY STATEMENT

This administrative proceeding for the assessment of a civil penalty was instituted pursuant to Section 16(a) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2615(a). The "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits," 40 C.F.R. Part 22 (July 1, 2000) (hereinafter "Consolidated Rules"), provide in 40 C.F.R. § 22.13(b) that when the parties agree to settle one or more causes of action before the filing of an Administrative Complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Order pursuant to 40 C.F.R. § 22.18(b)(2) and (3). The Director of the Division of Enforcement and Compliance Assistance, Region 2, United States Environmental Protection Agency ("EPA" or "Complainant"), alleges that Respondent Consolidated Edison Company of New York, Inc. ("ConEd") violated Section 6(e) of TSCA, 15 U.S.C. § 2605(e), and the regulations promulgated pursuant to that Section, set forth at 40 C.F.R. Part 761, relating to polychlorinated biphenyls ("PCBs") and Section 15(1) of TSCA, 15 U.S.C. § 2614(1).

EPA and ConEd agree that settling this matter by entering into this Consent Agreement and Final Order ("CAFO") pursuant to 40 C.F.R. § 22.13(b) and 40 C.F.R. § 22.18(b)(2) and (3), is an appropriate means of resolving this case without further litigation. This CAFO is being issued pursuant to said provisions of 40 C.F.R. Part 22. No formal or adjudicated findings of fact or conclusions of law have been made. The following constitute Complainant's findings of fact and conclusions of law.

FINDINGS OF FACT

1. Respondent is Consolidated Edison Company of New York, Inc.
2. By letter dated January 3, 2003, Environmental Protection Services of Wheeling, West Virginia notified EPA that Respondent had sent them an item containing PCBs that was not identified as such on the Bill of Lading.
3. During several telephone conversations and electronic mail messages beginning in April 2003, Respondent notified EPA of certain potential violations of the PCB manifesting and disposal regulations that occurred at or related to their facilities known as the Farrington Flush Station (Queens, New York), and the Manufactured Gas Plant remediation site (Hunt's Point, New York).
4. During several telephone conversations and electronic mail messages beginning in July 2004, Respondent notified EPA of certain potential violations of the PCB regulations that occurred at or related to their facility at Farrington Street and 32nd Avenue (Flushing, New York).

5. Respondent failed to properly identify PCB waste submitted for off-site disposal on EPA Manifest Form 8700-22 in accordance with the specifications and requirements of 40 C.F.R. § 761.207(a). Respondent was required to specify, for each PCB Container, the unique identifying number, identity of the PCB waste, the earliest date of removal from service for disposal, and the weight in kilograms of the PCB waste.

6. Respondent failed to properly dispose of PCB waste in accordance with the specifications and requirements of 40 C.F.R. §§ 761.61(b)(1).

7. Complainant sent to Respondent a "Notice of Opportunity Related to Enforcement Action Under the Toxic Substances Control Act", which alleged the Respondent committed violation(s) of the regulations regarding polychlorinated biphenyls.

CONCLUSIONS OF LAW

1. Respondent, as the owner and/or operator of the facilities which are the subject of this action, is subject to the regulations and requirements pertaining to PCBs and PCB Items promulgated pursuant to Section 6(e) of TSCA, 15 U.S.C. § 2605(e), and set forth at 40 C.F.R. Part 761.

2. Respondent is a "person" within the meaning of 40 C.F.R. § 761.3.

3. Failure to identify PCB waste submitted for off-site disposal on EPA Manifest Form 8700-22 is a violations of 40 C.F.R. § 761.207(a), which is a violation of Section 6(e) and Section 15(1)(C) of TSCA, 15 U.S.C. §§ 2605(e), 2614(1)(C).

4. Failure to properly dispose of PCB waste is a violation of 40 C.F.R. §§ 761.61(b)(1) and 761.60, which is a violation of Section 6(e) and Section 15(1)(C) of TSCA, 15 U.S.C. §§ 2605(e), 2614(1)(C).

TERMS OF CONSENT AGREEMENT

Based on the foregoing, and pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a) and in accordance with the Consolidated Rules, it is hereby agreed by and between the parties hereto, and accepted by Respondent, that Respondent voluntarily and knowingly agrees to, and shall, comply with the following terms:

1. Respondent shall hereinafter comply with all applicable provisions of TSCA and the regulations promulgated pursuant to it.
2. For the purposes of this Consent Agreement, Respondent (a) admits that EPA has jurisdiction pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), to commence a civil administrative proceeding for the violations alleged in the "Conclusions of Law" section above; (b) neither admits nor denies the specific factual allegations contained in the "Findings of Fact" section, above; and (c) neither admits nor denies the assertions set forth in the "Conclusions of Law" section, above.
3. Respondent shall pay, by cashier's or certified check, a civil penalty in the amount of **Thirty Four Thousand Seven Hundred Fifty Dollars (\$34,750.00)**, payable to the "Treasurer of the United States of America". The check shall be identified with a notation of the name and docket number of this case, set forth in the caption on the first page of this document.

Such check shall be mailed to:

EPA Region 2 (Regional Hearing Clerk)
P.O. Box 360188M
Pittsburgh, Pennsylvania 15251

Respondent shall also send copies of this payment to each of the following:

Ann Finnegan, Life Scientist
Pesticides and Toxic Substances Branch
2890 Woodbridge Avenue, MS-105
Edison, New Jersey 08837

and

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007

Payment must be received at the above address on or before 45 calendar days after the date of the signature of the Final Order at the end of this document (the date by which payment must be received shall hereinafter be referred to as the "due date").

a. Failure to pay the penalty in full according to the above provisions will result in the referral of this matter to the U.S. Department of Justice or the U.S. Department of the Treasury for collection.

b. Further, if payment is not received on or before the due date, interest will be assessed, at the annual rate established by the Secretary of the Treasury pursuant to the Debt Collection Act, 31 U.S.C. § 3717, on the overdue amount from the due date through the date of payment. In addition, a late payment handling charge of \$15.00 will be assessed for each 30 day period (or any portion thereof) following the due date in which the balance remains unpaid. A 6% per annum penalty also will be applied on any principal amount not paid within 90 days of the due date.

4. This Consent Agreement is being voluntarily and knowingly entered into by the parties in full and final settlement of the civil liabilities that might have attached as a result of the allegations in the Complaint. Respondent has read the Consent Agreement, understands its terms, finds it to be reasonable, and consents to its issuance and its terms. Respondent consents to the issuance of the accompanying Final Order. Respondent agrees that all terms of settlement are set forth herein.

5. Respondent explicitly and knowingly consents to the assessment of the civil penalty as set forth in this Consent Agreement, and agrees to pay the penalty in accordance with the terms of this Consent Agreement.

6. Respondent explicitly waives its right to request or to seek any Hearing on the Complaint or any of the allegations therein asserted, on this Consent Agreement or the Findings of Fact and Conclusions of Law herein, or the accompanying Final Order.

7. Respondent waives any right it may have pursuant to 40 C.F.R. 22.8 to be present during discussions with or to be served with and to reply to any memorandum or communication addressed to the Regional Administrator or the Deputy Regional Administrator where the purpose of such discussion, memorandum, or communication is to discuss a proposed settlement of this matter or to recommend that such official accept this Consent Agreement and issue the attached Final Order.

8. This Consent Agreement does not waive, extinguish, or otherwise effect Respondent's obligation to comply with all applicable federal, state, or local laws, rules, or regulations.

9. Each undersigned signatory to this Consent Agreement certifies that he or she is duly and fully authorized to enter into and ratify this Consent Agreement and all terms and conditions set forth in this Consent Agreement.

10. Each party shall bear its own costs and attorneys fees in this matter.

11. Respondent consents to service upon Respondent of a copy of this Consent Agreement and Final Order by an EPA employee other than the Regional Hearing Clerk.

RESPONDENT:

BY: _____
Consolidated Edison Company of
New York, Inc.

NAME: _____
(PLEASE PRINT)

TITLE: _____

DATE: _____

COMPLAINANT:

Dore LaPosta, Director
Division of Enforcement and
Compliance Assistance
U.S. Environmental Protection
Agency - Region 2
290 Broadway
New York, NY 10007

DATE: _____

In the Matter of Consolidated Edison Company of New York, Inc.
Docket Number 2-TSCA-2005- 9207

FINAL ORDER

The Regional Administrator of the U.S. Environmental Protection Agency, Region 2 concurs in the foregoing Consent Agreement in the case of In the Matter of Consolidated Edison Company of New York, Inc. bearing Docket Number TSCA-02-2005-9207. Said Consent Agreement, having been duly accepted and entered into by the parties, shall be, and hereby is, ratified, incorporated into and issued, as this Final Order, which shall become effective when filed with the Regional Hearing Clerk of EPA, Region 2 (40 C.F.R. § 22.31(b)). This Final Order is being entered pursuant to the authority of 40 C.F.R. § 22.18(b)(3) and shall constitute and order issued under Section 6 of the Toxic Substances Control Act, 15 U.S.C. § 2605 for purposes of Section 15(1)(C) of TSCA, 15 U.S.C. § 2614(1)(C).

DATE: _____

Kathleen C. Callahan
Acting Regional Administrator
U.S. Environmental Protection Agency
Region 2
290 Broadway
New York, New York 10007

Enforcement Action Information Checklist/Concurrence Sheet

Enforcement Action Name : Consolidated Edison of New York Company, Inc.

Docket Number : TSCA-02-2005-9207

| BRANCH CHIEF CHECKLIST | Yes | No | N/A |
|--|-----|----|-----|
| - Case Initiation and/or Case Conclusion Data Sheet(s) is Complete and Accurate [except for order/action signature date] | x | | |
| - Small Business, Federal Facility, National or Regional Priority, EJ designations are included, as appropriate In CI/CCDS | | | x |
| - Penalty Calculations have been reviewed and are correct | x | | |
| - Environmental Benefit Calculations have been reviewed and are correct | | | x |
| - Compliance Schedule information to be entered into the DECA "DATES" system within two weeks | | | x |
| Branch Chief signature and date <i>Kenneth S. Miller 5/12/05</i> | | | |

| <u>Case Information, Penalty Calculations, and Environmental Benefit Calculations</u> | <u>Developed by</u> (signature and date) | <u>Reviewed by</u> (signature and date) | N/A |
|---|---|--|--------------|
| - Case Initiation and/or Case Conclusion Data Sheet(s) | <i>AP</i> Ann Finnegan <i>5-11-05</i> | <i>DSK</i> <i>5/12/05</i> | |
| - Penalty Calculations | <i>AP</i> Ann Finnegan <i>5-11-05</i> | <i>DSK</i> <i>5/12/05</i> | |
| - Environmental Benefit Calculations (including "complying actions") | | | x <i>DSK</i> |

Please return this sheet to Branch after order is signed and dated.

Case Conclusion Data Sheet

Submitted

EA #:
Date Entered:
ORC Branch:

Case and Facility Information

Court or Administrative Docket or Index Number TSCA-02-2005-9207
Enforcement Action Name Consolidated Edison Company of New York, Inc.

Site(s):

Con Ed

Enforcement Action Type TSCA 16 Action for Penalty
Primary Statute/Section Violated TSCA 6E - Poly Chlorinated Biphenyls (PCBs)
Other Statutes/Sections
CFR Citations: 761.207, 761.61

Priority Activity

National Action Priorities:

Regional Action Priorities:

☒ Core Priority

EPA Lead Attorney

EPA Program Contact

Ann Finnegan

DECA-PTSB-TS

(office)
732-906-61
77

Violation Type

Violation of PCB rules

Was this action taken in response to a violation found through an Inspection? ☐ Yes ☒ No
Was this a Multi-Media action? (check all that apply) ☐ Yes ☒ No
Was the Agency activity taken in response to Environmental Justice concerns? ☐ Yes ☒ No
Was Voluntary Disclosure Policy applied to this action? ☐ Yes ☒ No
Was Alternative Dispute Resolution used in this action? ☐ Yes ☒ No

Conclusion Type

Administrative Penalty Order

Date of Final Order Lodging

Date of Final Order

Estimated Termination Date

Resolution Code

Final Order with Penalty

Injunctive Relief/Complying Action

Direct Action to Reduce, Eliminate, or Treat Pollutants

Direct Environmental
Reduction

Cost\$0.00

Preventative Actions to Manage Waste Streams or Prevent Releases/Exposures

Preventative

Cost\$0.00

Facility Management or Information Practice

Facility Management or Recordkeeping

Cost\$100.00

Information Practice**Quantitative Environmental Impact****Supplemental Environmental Project (SEP) Information**

Categories of SEP(s)

SEP Description

Cost of SEP

\$0.00

Is Environmental Justice
addressed by SEP?☐ Yes ☐ No**Penalty****Final Assesed Penalty** (Not including value of any SEP)

EPA

~~\$34,750.00~~ 732,550

State and Local Government

\$0.00

For Multi-Media actions, enter the Federal amounts by statute:

Statute

Amount

CERCLA Cost Recovery**Amount of cost recover awarded**

EPA

\$0.00

State and Local Government

\$0.00

Case Summary

Respondent was issued a Show Cause letter with a Consent Agreement included. Respondent had self-disclosed (not thru the Audit Policy) to EPA that they had twice shipped PCB waste in violation of federal requirements. In one case, the waste was sent through a water treatment system and so was considered disposed in violation. A separate shipping violation that was reported by a disposal company was added to this action.

Self Disclosure Information

Disclosure under Audit Policy?

☐ Yes ☒ NoDisclosure under EPA's Small
Business Policy?☐ Yes ☒ No

DATES Milestones: DECA tracks some milestones in the DATES database. If this action has milestones that need to be tracked in DATES, please indicate.

Does this action have DATES milestones? ☐ Yes ☒ No

Administrative Case Initiation Data Form

Submitted

EA #:

Date Entered:

ORC Branch:

Administrative Docket or Index Number TSCA-02-2005-9207
Enforcement Action Name Consolidated Edison Company of New York, Inc.
Site(s): Con Ed
Enforcement Action Type TSCA 16 Action for Penalty
Primary Statute/Section Violated TSCA 6E - Poly Chlorinated Biphenyls (PCBs)
Other Statutes/Sections
CFR Citations: 761.207, 761.61

Priority Activity

National Action Priorities:

Regional Action Priorities:

☒ Core Priority

EPA Lead Attorney
EPA Program Contact

Ann Finnegan

DECA-PTSB-TS

(office)
732-906-61
77

Violation Type Violation of PCB rules

Was this action taken in response to a violation found through an Inspection? ☐ Yes ☒ No
Was this a Multi-Media action? (check all that apply) ☐ Yes ☒ No
Was the Agency activity taken in response to Environmental Justice concerns? ☐ Yes ☒ No
Was Voluntary Disclosure Policy applied to this action? ☐ Yes ☒ No

Case Summary

Respondent is being issued a Show Cause letter with a Consent Agreement included. Respondent had self-disclosed to EPA that they had twice shipped PCB waste in violation of federal requirements. In one case, the waste was sent through a water treatment system and so was considered disposed in violation. A separate shipping violation that was reported by a disposal company was added to this action.

Proposed Penalty \$93,000.00 (amount sought)
Proposed Cost Recovery \$0.00 (amount sought)
Is this an amended complaint? ☒ Yes ☐ No
Date Complaint/Agreement



Ann Finnegan/R2/USEPA/US

06/09/2005 02:44 PM

To ROCHED@coned.com, coatesh@coned.com

cc

bcc Ann Finnegan/R2/USEPA/US

Subject Re: Reduction in penalty for TSCA-02-2005-9207 

Mr. Roche/Mr. Coates,

As I told you in my earlier message, I had a meeting with my section Chief today.

Based upon our discussion, EPA is willing to grant you the voluntary disclosure reduction in this case.

But please be aware that leaving a phone message is not really an adequate way of reporting a violation.

It can be a first step, but must be followed up. The ideal way is in writing. In this case, there is no evidence that any attempt was made to provide EPA with information after the initial phone message. But because we cannot verify what course David may have taken,

Please pass this information along to your co-workers.

As for the CAFO, the penalty will be reduced to \$32,550. You can just cross out the current amount, write this one in, initial the change, sign the CAFO, and send it back to me. I will replace the page with a clean copy. If this makes you uncomfortable for some reason, I can FAX you a clean page, but this will be faster and have the same effect.

Please let me know what you will do.

Thanks.

Ann Finnegan
(732) 906-6177

"Roche, David P" <ROCHED@coned.com>



"Roche, David P"
<ROCHED@coned.com>

06/09/2005 12:25 PM

To Ann Finnegan/R2/USEPA/US@EPA

cc

Subject Reduction in penalty for TSCA-02-2005-9207

Ms. Finnegan:

Harry Coates provided you with documentation that Con Edison self-reported the December 18, 2002 shipment of one PCB rectifier to Environmental Protection Services without a manifest, and are therefore eligible for the self-disclosure penalty reduction. If you agree, you were going to e-mail correction pages to the Consent order for our signature, which we must sign by tomorrow. If you agree but are unable to provide the corrected pages today, please e-mail us today an extension for signing the Order. Thank you,

David P. Roche
Senior Scientist
Environmental & Chemical Management
212-460-2100



Ann Finnegan/R2/USEPA/US

06/09/2005 01:33 PM

To "Roche, David P" <ROCHED@coned.com>, coatesh@coned.com

cc

bcc Ann Finnegan/R2/USEPA/US@EPA

Subject Re: Reduction in penalty for TSCA-02-2005-9207 

Mr. Roche/Mr. Coates,

I have a meeting with my chief this afternoon where I will bring this issue up.

Do not worry about the deadline for signing the Consent Agreement. I will cover that.

I will contact you Monday with (hoepfully) a new number and we can work out how to revise the document.

Ann Finnegan
(732) 906-6177

"Roche, David P" <ROCHED@coned.com>



"Roche, David P"
<ROCHED@coned.com>

06/09/2005 12:25 PM

To Ann Finnegan/R2/USEPA/US@EPA

cc

Subject Reduction in penalty for TSCA-02-2005-9207

Ms. Finnegan:

Harry Coates provided you with documentation that Con Edison self-reported the December 18, 2002 shipment of one PCB rectifier to Environmental Protection Services without a manifest, and are therefore eligible for the self-disclosure penalty reduction. If you agree, you were going to e-mail correction pages to the Consent order for our signature, which we must sign by tomorrow. If you agree but are unable to provide the corrected pages today, please e-mail us today an extension for signing the Order. Thank you,

David P. Roche
Senior Scientist
Environmental & Chemical Management
212-460-2100



"Roche, David P"
<ROCHED@coned.com>

06/09/2005 12:25 PM

To : Ann Finnegan/R2/USEPA/US@EPA

cc

bcc

Subject: Reduction in penalty for TSCA-02-2005-9207

History:

✉ This message has been replied to.

Ms. Finnegan:

Harry Coates provided you with documentation that Con Edison self-reported the December 18, 2002 shipment of one PCB rectifier to Environmental Protection Services without a manifest, and are therefore eligible for the self-disclosure penalty reduction. If you agree, you were going to e-mail correction pages to the Consent order for our signature, which we must sign by tomorrow. If you agree but are unable to provide the corrected pages today, please e-mail us today an extension for signing the Order. Thank you,

David P. Roche
Senior Scientist
Environmental & Chemical Management
212-460-2100



"Coates, Harry"
<CoatesH@coned.com>

06/07/2005 12:49 PM

To: Ann Finnegan/R2/USEPA/US@EPA

cc

bcc

Subject: Rectifier e-mail

Attached is the e-mail I mentioned. Any questions, my number is: 212-460-2362.
Thanks

<<Rectifier e-mail.pdf>>



Rectifier e-mail.pdf

De Leonibus, Michael

From: Cohen, Barry
Sent: Thursday, December 26, 2002 11:34 AM
To: Ciullo, Robert A.; Baez, Cesar; De Leonibus, Michael
Cc: Coates, Harry; Drummings, Anthony; Zoeller, Richard; Ramon, Richard; Moyik, Joseph
Subject: Rectifier E63

Importance: High

I discussed this with Bob Creer of EPS (phone: 304-232-1590; fax: 304-232-1599), which is holding rectifier E63 pending instructions from Con Ed. I told him that the rectifier had a current PCB level of 25 ppm, but previously contained 509 ppm PCBs. Therefore, as I discussed with Bob, (1) the rectifier was not a hazardous waste in NY since it's most recent PCB level was <50 ppm, but (2) is a TSCA PCB waste per EPA, since it previously contained >500 ppm and cannot be reclassified per EPA regs and (3) therefore, should have been shipped using a 5-part uniform manifest instead of on a bill of lading.

Bob told me that the rectifier was shipped from Astoria on 12/18/02 and arrived at EPS on 12/19/02. Therefore, we agreed that EPS had until 1/3/03 (15 days after they received it) to send an unmanifested waste report to EPA Region III (Philadelphia) and that Con Ed would complete and send to EPA a 5-part manifest for rectifier E63 early next week. I told Bob that I will inform EPA Region II of the unmanifested shipment - Bob had no problem with me doing so.

Mike D - When you return on 12/30, please complete and sign a 5-part manifest for rectifier E63 and prepare a detail continuation sheet, fax both to Bob Creer at EPS, and send both by overnight mail (or FedEx or Airborne Express) to him. Also, please ask Bob Creer to send you AND me a copy of the unmanifested waste report that he sends to EPA Region III. Bob C - If you're in tomorrow, maybe you can do this tomorrow instead of waiting for Mike Monday.

I also called David Greenlaw of EPA Region II, who is out today and tomorrow. I left a detailed message on his voicemail re our failure to manifest E63, and told him that I will call him again when I return on 1/2/03.

After today, I'll be on vacation through 1/1/03. However, you can call me at home (516-295-0688) or page me (917-314-6903) if you need to reach me. If you call my home and can't reach me - page me - I'll have a personal cell phone with me to return your call..

-----Original Message-----

From: Drummings, Anthony
Sent: Monday, December 23, 2002 6:26 PM
To: Coates, Harry; Ramon, Richard; Zoeller, Richard; Cohen, Barry
Subject: RE: Rectifier

Rich, here is the form letter.



V5987.doc

-----Original Message-----

From: Coates, Harry
Sent: Monday, December 23, 2002 5:26 PM
To: Ramon, Richard; Zoeller, Richard; Drummings, Anthony; Cohen, Barry
Subject: FW: Rectifier
Importance: High

1. Richie, after you find out about more recent lab reports for E63 inform Rich Ramon. Since it's Christmas Eve please do this ASAP.
2. Rich (Ramon): Anthony will send you a form letter tonight. After you get the lab results from Richie, page Anthony. He will instruct you as to whether or not you need to complete and send the letter.
3. Barry: I asked Anthony to leave you a voice message. Please follow-up with EPA, as necessary, on Thursday.

FACSIMILE TRANSMITTAL SHEET

TO:

Daniel Kraft

FROM:

Anthony Dammings

COMPANY:

DATE:

7/30/04

FAX NUMBER:

TOTAL NO. OF PAGES INCLUDING COVER:

3

PHONE NUMBER:

SENDER'S TELEPHONE NUMBER:

☐ URGENT☐ FOR REVIEW☐ PLEASE COMMENT☐ PLEASE REPLY☐ PLEASE RECYCLE

NOTES/COMMENTS:

Dan,

Attached is the bill of lading for the Can Ed
Shipment to Casie Protank. Also, attached
is the sample result from Casie's acceptance
screening.

I will forward to you the other data
as it becomes available.

WORK ORDER NO. Bk 761DOCUMENT NO. **69135**

STRAIGHT BILL OF LADING

TRANSPORTER 1 CLEAN HARBOURS ENV. SERVICE INCVEHICLE ID # 60054-MEPA ID # HA0039322250TRANS. 1 PHONE (781) 849-

TRANSPORTER 2 _____

VEHICLE ID # _____

EPA ID # _____

TRANS. 2 PHONE _____

| DESIGNATED FACILITY <u>CASIE TROTANK</u> | | | SHIPPER <u>CONSOLIDATED EDISON</u> | | |
|--|-----------|------------------|---|----------------------|----------|
| FACILITY EPA ID # <u>H/A</u> | | | SHIPPER EPA ID # <u>H/A</u> | | |
| ADDRESS <u>3209 N. Mill Road</u> | | | ADDRESS <u>FARRINGTON STREET & 32ND AVE</u> | | |
| CITY <u>WILMINGTON</u> | | STATE <u>DE.</u> | ZIP <u>19836</u> | CITY <u>FLUSHING</u> | |
| STATE <u>NY</u> | | ZIP <u>11346</u> | | | |
| CONTAINERS NO. & SIZE | TYPE | HM | DESCRIPTION OF MATERIALS | TOTAL QUANTITY | UN WTA |
| <u>001</u> | <u>TT</u> | | <u>A. NON D.O.T. REGULATED NON HAZARDOUS WATER & SLUDGE</u> | <u>3.000</u> | <u>9</u> |
| | | | B. | | |
| | | | C. | | |
| | | | D. | | |
| | | | E. | | |
| | | | F. | | |
| | | | G. | | |
| | | | H. | | |

SPECIAL HANDLING INSTRUCTIONS IN CASE OF EMERGENCY CALL (800) 483 3718

PROFILE # CFZ 3054 / NODER-10666 / RECAL # 10937 / TRUCK # 4141

SHIPPERS CERTIFICATION: This is to certify that the above named materials are properly classified, described, packaged, marked and labeled and are in proper condition for transportation according to the applicable regulations of the Department of Transportation.

| | | | |
|---------------|------------------------------|---------------------------|----------------------|
| SHIPPER | PRINT <u>William Velaz</u> | SIGN <u>William Velaz</u> | DATE <u>8/29/04</u> |
| TRANSPORTER 1 | PRINT <u>VICTOR CARDENAS</u> | SIGN <u>[Signature]</u> | DATE <u>08/29/04</u> |
| TRANSPORTER 2 | PRINT | SIGN | DATE |
| RECEIVED BY | PRINT | SIGN | DATE |



THERMAL RECYCLING/TANK MANAGEMENT

GENERATOR:

CON EDISON

DATE SAMPLED:

07/29/04

ANALYSIS COMPLETED:

07/29/04

ANALYSIS:

PCB's (Method 8080)

MATRIX:

LIQUID (Sampled with Coliwasa)

LOG NUMBER

4G293

MANIFEST NUMBER

69135

RESULT, ppm

52.3 Arochlor 1260

Submitted by

A handwritten signature in cursive script, appearing to read "Pedro Mator", is written over the printed name.

Casie Laboratory
Management

* THIS DOCUMENT IS TO BE USED FOR QUALITY CONTROL PURPOSES ONLY

Con Edison

Fax

To: Ms. Ann Finnegan**From:** David Roche (212-460-2100)**Fax:****Pages:** 20**Phone:****Date:** 3/31/2005**Re:** Disposal records**CC:**

☐ **Urgent** ☒ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

● **Comments:** As you requested in your March 21, 2005 e-mail, the disposal records for all the waste associated with Incident 154585 at the Farrington Flush Facility, beginning July 30, 2004, follow:

- Initial sediment collection from Farrington by Clean Harbors on shipping paper Document No. 69135
- Shipment of this PCB-contaminated load by Clean Harbors to their Braintree TSDF on state manifest document MA Q 255450.
- Shipment of stockpiled sludge / sediment from Farrington East and West pits and South Drying Bin to Cycle Chem on state manifest document numbers NJA 5077962, NJA 5077963, NJA 5077970, NJA 5077971, NJA 5077688.
- Triple flush wastewater from Farrington wastewater treatment system flocculation tank to Con Edison's Astoria wastewater treatment facility on shipping papers (Material Credit) UF-533, 537, 539, 540, 541, 561, and 565.
- Disposal of the identified PCB source, two oil switches from Queens manhole 10206, to Environmental Protection Services on state manifest document NYE1283553 (and the Certificate of Disposal).
- Decon (double wash/rinse) solid waste from the Farrington pits and South drying bin to the Con Edison Astoria PCB Long-term Storage facility on state manifest document NYE 1582605, where it was bulked into a rolloff container for disposal at Chemical Waste Management- Model City.
- Decon waste from Manhole 10206 (Provisional EPA ID NYP004123444) to Triumvirate Environmental on state manifest document NYE1554156.

WORK ORDER NO. BK 767472DOCUMENT NO. 69135 STRAIGHT BILL OF LADINGTRANSPORTER 1 CLEAN HARBORS ENV. SERVICE INC VEHICLE ID # 60054 N/AEPA ID # MAP039322250 TRANS. 1 PHONE (781) 849-1800

TRANSPORTER 2 _____ VEHICLE ID # _____

EPA ID # _____ TRANS. 2 PHONE _____

| DESIGNATED FACILITY <u>CASIE PROTANK</u> | | | SHIPPER <u>CONSOLIDATED EDISON</u> | | |
|--|-----------|------------------|---|-----------------------|----------------|
| FACILITY EPA ID # <u>N/A</u> | | | SHIPPER EPA ID # <u>N/A</u> | | |
| ADDRESS <u>3209 N. MILL ROAD</u> | | | ADDRESS <u>FARRINGTON STREET & 32ND AVE</u> | | |
| CITY <u>VINELAND</u> | | STATE <u>NJ.</u> | ZIP <u>08360</u> | CITY <u>FLUSHING.</u> | |
| | | | | STATE <u>NY.</u> | |
| | | | | ZIP <u>11345</u> | |
| CONTAINERS NO. & SIZE | TYPE | HM | DESCRIPTION OF MATERIALS | TOTAL QUANTITY | UNIT WT/VOL |
| <u>001</u> | <u>TT</u> | | <u>A. NON D.D.T. REGULATED NON HAZARDOUS WATER & SLUDGE</u> | <u>Ø 3.000</u> | <u>G</u> |
| | | | B. | | |
| | | | C. | | |
| | | | D. | | |
| | | | E. | | |
| | | | F. | | |
| | | | G. | | |
| | | | H. | | |
| SPECIAL HANDLING INSTRUCTIONS IN CASE OF EMERGENCY CALL (800) 483 3718 | | | | | |
| <u>PROFILE # CFZ 3054 / NJ DEP. 1666 / DECAL # 10937 / TRUCK # 414-1</u> | | | | | |

SHIPPERS CERTIFICATION: This is to certify that the above named materials are properly classified, described, packaged, marked and labeled and are in proper condition for transportation according to the applicable regulations of the Department of Transportation.

| | | | |
|---------------|------------------------------|---------------------------|----------------------|
| SHIPPER * | PRINT <u>WILLIAM VELAZ</u> | SIGN <u>William Velaz</u> | DATE <u>07/29/04</u> |
| TRANSPORTER 1 | PRINT <u>VICTOR CARDENAS</u> | SIGN <u>[Signature]</u> | DATE <u>07/29/04</u> |
| TRANSPORTER 2 | PRINT | SIGN | DATE |
| RECEIVED BY | PRINT | SIGN | DATE |

MATERIAL CREDIT

No. **UF-533**

RETURNED FROM

LOCATION OF STORE ROOM

DATE **7/30**20 **04**

NAME

ADDRESS

SERIAL NO.

LAYOUT NO.

SHOP ORDER DEPT. NO.

Con Edison
PARSONS TOW
SPARK
YD

MON

CREDIT TO

STATISTICS

PART I

PART II

ACCOUNT OR ORDER NO.

07160

FOR USE BY ACCOUNTING DEPT. ONLY

FOR DEPARTMENT RETURNING MATERIAL

DESCRIPTION

REASON CODE

QUANTITY

QUANTITY

UNIT

CLASS NO.

STOCK NO.

SUB LOT NO.

00413**OFF-LOAD****INTO****WTF****WATER****499 PPM****4800**

SALES TAX DISTRICTS

1 NEW YORK CITY

2 YONKERS

3 MT. VERNON

4 WHITE PLAINS

5 NEW ROCHELLE

6 OTHER WESTCHESTER

RETURN REASON CODE

1 USED MATERIAL

2 UNUSED MATERIAL NOT REQUIRED

3 CLAIM MATERIAL

4 SCRAP

5 FABRICATION

6 WRONG OR EXCESS MATERIAL SHIPPED

ITEM COUNT

RECEIVED BY

MATERIAL

STORES

CLEARING

TOTAL

DATE PLACED IN STOCK

DATE RETURNED

RETURNED BY

EMPLOYEE NO.

7/30/04**Dorfer****0303**

APPROVED

EMPLOYEE NO.

6-124 (EA) 257 PURCH & STORES

BUREAU

DEPARTMENT

MATERIAL CREDIT

No. *Uf-531*

RETURNED FROM:

LOCATION OF STORE ROOM

DATE

NAME *Farrington Pits*ADDRESS *Flooding Queens*

SERIAL NO.

LAYOUT NO.

MUN.

SHOP ORDER DEPT. NO.

FOR DEPARTMENT RETURNING MATERIAL

DESCRIPTION

REASON CODE

QUANTITY

QUANTITY

CLASS NO.

STOCK NO.

SUB. LOT NO.

*Over 500 PLB Water
From Tanker 80413**380**3800*

SALES TAX DISTRICTS

1 NEW YORK CITY

2 YONKERS

3 MT. VERNON

4 WHITE PLAINS

5 NEW ROCHELLE

8 OTHER WESTCHESTER

RETURN REASON CODE

1 USED MATERIAL

2 UNUSED MATERIAL NOT REQUIRED

3 CLAIM MATERIAL

4 SCRAP

5 FABRICATION

6 WRONG OR EXCESS MATERIAL SHIPPED

ITEM COUNT

RECEIVED BY

MATERIAL

STORES

CLEARING

TOTAL

DATE PLACED IN STOCK

DATE RETURNED *7-30-07*RETURNED BY *PLB*EMPLOYEE NO. *44324*

APPROVED

EMPLOYEE NO.

6 (24) (EA) 257 PURCH. & STORES

BUREAU

DEPARTMENT

State of New Jersey
Department of Environmental Protection
Hazardous Waste Regulation Program
Manifest Section
P.O. Box 414, Trenton, NJ 08625-0414

Please type or print in block letters. (Form designed for use on elite (12-pitch) typewriter.)

Form Approved

OMB No. 2050-0039

UNIFORM HAZARDOUS
WASTE MANIFEST

1. Generator's US EPA ID No.

NY098701096471912

2. Page 1

Information in the shaded areas
is not required by Federal law.3. Generator's Name and Mailing Address
31-43 Farmington Street

Flushing, New York 11354

4. Generator's Phone (718) 353-3482

Attn. Environmental Operations

5. Transporter 1 Company Name

Clean Venture, Inc.

6

US EPA ID Number

NJ0000027193

7. Transporter 2 Company Name

8

US EPA ID Number

9. Designated Facility Name and Site Address

Cyan Chem, Inc.
217 South First Street

Elizabeth, New Jersey 07206

- 10

US EPA ID Number

NJ0002200046

A. State Manifest Document Number

NJ 5077962

B. Generator's ID (Gen. Site Address)

C. State Trans. ID-NJDEP

S-8011

Decal No.

089130

D. Transporter's Phone (408) 354-0210

E. State Trans. ID-NJDEP

Decal No.

F. Transporter's Phone ()

G. State Facility's ID

008-355-5000

H. Facility's Phone ()

11. US DOT Description (Including Proper Shipping Name, Hazard Class or Division,
ID Number and Packing Group)

HM

a. X R O, Polychlorinated biphenyls, solid mixture
9, UN 2315 PGII

12. Containers

No.

Type

13. Total Quantity

14. Unit W/Vol

Waste No.

XXI CM 14545 X

0001

1027

K. Handling Codes for Wastes Listed Above

a. 501

b. 1

c. 1

d. 1

15. Special Handling Instructions and Additional Information

Job #

ERG # 171

Incident no: 154585

24 Hr. Emergency Ph. (908) 394-0210

Plate # AA759E

J. Class

NJ 924705

16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable International and national government regulations.

If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment. OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.

Printed/Typed Name

George Jacob

Signature

George Jacob

Month Day Year

07/3/04

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name

Glenn Nemeth

Signature

Glenn Nemeth

Month Day Year

07/3/04

18. Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name

Signature

Month Day Year

19. Discrepancy Indication Space

IA) NO CODES

QA) NO CODES

H4N4-B

20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.

Printed/Typed Name

Alicia Gibson

Signature

Alicia Gibson

Month Day Year

07/3/04

State of New Jersey
Department of Environmental Protection
Hazardous Waste Regulation Program
Manifest Section
P.O. Box 414 Trenton, NJ 08625-0414

Please type or print in block letters. (Form designed for use on elite (12-pitch) typewriter.)

Form Approved

OMB No. 2050-0039

| UNIFORM HAZARDOUS WASTE MANIFEST | | Generator's US EPA ID No. | Manifest No. | 2. Page of | Information in the shaded areas is not required by Federal law. |
|--|--|--|--|---|---|
| 3. Generator's Name and Mailing Address 31-43 Farmington Street Flushing New York 11354 | | NJ 078 201096977963 | | A. State Manifest Document Number NJ 5077963 | |
| 4. Generator's Phone 718 353-3482 | 5. Transporter 1 Company Name Clean Venture Inc | | 6. US EPA ID Number NJ 0000027193 | C. State Trans. ID-NJDEP Decal No. 073004 | |
| 7. Transporter 2 Company Name | | 8. US EPA ID Number | D. Transporter's Phone 201 241-1111 | | |
| 9. Designated Facility Name and Site Address 217 South First Street Elizabeth, New Jersey 07206 | | 10. US EPA ID Number NJ 0002200046 | E. State Trans. ID-NJDEP Decal No. 073004 | | |
| 11. US DOT Description (Including Proper Shipping Name, Hazard Class or Division, HM Number and Packing Group) X R.O. Polymers in solid mixture 9 UN 2315 PGII | | 12. Containers No. Type XX 1 CM 14545 K | 13. Total Quantity 14545 K | 14. Unit Wt/Vol | Waste No. 0007 1031 |
| 15. Special Handling Instructions and Additional Information ERG # 171 @ PC 811-298 24 Hr Emergency Pls (800) 454-0210 Plate # 47585 MA Incident No: 154585 BOX # 2438 RT 169 | | K. Handling Codes for Wastes Listed Above 501 | | | |
| 16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford. | | | | | |
| Printed/Typed Name X George Jacob | | Signature X [Signature] | | Month Day Year 07 30 04 | |
| 17. Transporter 1 Acknowledgement of Receipt of Materials Printed/Typed Name JOSE R SILVA | | Signature [Signature] | | Month Day Year 07 30 04 | |
| 18. Transporter 2 Acknowledgement of Receipt of Materials Printed/Typed Name | | Signature | | Month Day Year | |
| 19. Discrepancy Indication: Space NO DISCREPANCIES No. 14-B | | | | | |
| 20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in item 19. Printed/Typed Name Chica Gibson | | Signature [Signature] | | Month Day Year 07 30 04 | |

NJ 5077963



State of New Jersey
Department of Environmental Protection
Hazardous Waste Regulation Program
Manifest Section
P.O. Box 411, Trenton, NJ 08625-0414

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Form Approved.

OMB No. 2050-0039

| | | | | | | | |
|---|--|--|--|--|--|---|-----------------|
| UNIFORM HAZARDOUS WASTE MANIFEST | | 1. Generator's US EPA ID No. NYD98701096477770 | | 2. Page 1 of 1 | | Information in the shaded areas is not required by Federal law. | |
| 3. Generator's Name and Mailing Address 31-43 Fairington Street Flushing, New York 11354 | | | | A. State Manifest Document Number NJAP 5077870 | | | |
| 4. Generator's Phone 718 353-3482 | | | | B. State Generator's ID No. (Gen. Site Address) | | | |
| 5. Transporter 1 Company Name Clean Venture, Inc. | | | | C. State Trans. ID-NJDEP 8-5811 | | | |
| 6. US EPA ID Number NJ0000027133 | | | | Decal No. 000000 | | | |
| 7. Transporter 2 Company Name Clean Venture Inc. | | | | D. Transporter's Phone 800 354-0210 | | | |
| 8. US EPA ID Number NJ0000027193 | | | | E. State Trans. ID-NJDEP 8-5811 | | | |
| 9. Disposal Facility Name and Site Address 217 South First Street Elizabeth, New Jersey 07206 | | | | F. Facility's Phone 908 355-5800 | | | |
| 10. US EPA ID Number NJ000002200493 | | | | G. State Facility's ID | | | |
| 11. US DOT Description (Including Proper Shipping Name, Hazard Class or Division, ID Number and Packing Group) HM | | | | 12. Containers No. Type | | 13. Total Quantity | 14. Unit Wt/Vol |
| a. Non D.O.T. Regulated (PCB Liquids) | | | | XX/IT 11363 | | K | 1072 |
| b. | | | | | | | |
| c. | | | | | | | |
| d. | | | | | | | |
| Materials Listed Above | | | | K. Handling Codes for Wastes Listed Above 501 | | | |
| 15. Special Handling Instructions and Additional Information Emergency Tel (908) 354-0210 | | | | Plate # AF 5796 | | | |
| 16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations. | | | | | | | |
| If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford. | | | | | | | |
| Printed/Typed Name George Jacob B. | | | | Signature <i>[Signature]</i> | | Month Day Year 07/31/04 | |
| 17. Transporter 1 Acknowledgement of Receipt of Materials | | | | Signature <i>[Signature]</i> | | Month Day Year 07/31/04 | |
| Printed/Typed Name OSCAR KOLEFF | | | | Signature <i>[Signature]</i> | | Month Day Year 08/04/04 | |
| 18. Transporter 2 Acknowledgement of Receipt of Materials | | | | Signature <i>[Signature]</i> | | Month Day Year 08/04/04 | |
| Printed/Typed Name COLE S. COLLINS | | | | Signature <i>[Signature]</i> | | Month Day Year 08/04/04 | |
| 19. Discrepancy Indication Space TH NO CODES | | | | | | | |
| 20. Facility Owner or Operator, Certification of receipt of hazardous materials covered by this manifest except as noted in item 19 | | | | Signature <i>[Signature]</i> | | Month Day Year 08/04/04 | |
| Printed/Typed Name CHUCK GIBSON | | | | Signature <i>[Signature]</i> | | Month Day Year 08/04/04 | |

NJAP 5077870



State of New Jersey
Department of Environmental Protection
Hazardous Waste Regulation Program
Manifest Section
P.O. Box 414, Trenton, NJ 08625-0414

Please type or print in block letters. (Form designed for use on elite (12-pitch) typewriter.)

Form Approved

OMB No. 2050-0039.

| UNIFORM HAZARDOUS WASTE MANIFEST | | 1. Generator's US EPA ID No. | Manifest Document No. | 2. Page 1 of 1 | Information in the shaded areas is not required by Federal law. | |
|--|--|---|-----------------------|---|---|------------------------------|
| 3. Generator's Name and Mailing Address 31-43 FARRINGTON STREET FLUSHING NEW YORK 11354 ATT ENVIRONMENTAL OPS | | NYD98701096477688 | | A. State Manifest Document Number NJA 5077688 | | |
| 4. Generator's Phone (718) 353 3482 | | 5. US EPA ID Number NJ00000027193 | | B. State Generator's ID (Gen. Site Address) SAME | | |
| 5. Transporter 1 Company Name CLEAN VENTURE INC | | 6. US EPA ID Number NJ00000027193 | | C. State Trans. ID-NJDEP Decal No. 000000 | | |
| 7. Transporter 2 Company Name | | 8. US EPA ID Number | | D. Transporter's Phone (908) 355 9800 | | |
| 9. Designated Facility Name and Site Address CYCLO CHEM INC 217 SOUTH FIRST STREET ELIZABETH NEW JERSEY | | 10. US EPA ID Number NJ00000027193 | | E. State Trans. ID-NJDEP Decal No. 000000 | | |
| 11. US DOT Description (Including Proper Shipping Name, Hazard Class or Division, ID Number and Packing Group) HM a. NON DOT. REGULATED (PCB LIQUIDS) | | 12. Containers No. Type XX 1 TT 22 R 7 K | | 13. Total Quantity J D 7.2 | | 14. Unit Wt/Vol Waste No. |
| 15. Special Handling Instructions and Additional Information 24 HR EMERGENCY PH 908 354 0210 NOT HAZARDOUS IN THE STATE OF NEW YORK CONTACT # 154585 FACILITY TLR 152 | | K. Handling Codes for Wastes Listed Above S. 0. 1. | | | | |
| 16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, If I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford. | | | | | | |
| Printed/Typed Name GEORGE TACOB | | Signature [Signature] | | Month Day Year 07/31/04 | | |
| 17. Transporter 1 Acknowledgement of Receipt of Materials Printed/Typed Name CESAR PABON | | Signature [Signature] | | Month Day Year 07/31/04 | | |
| 18. Transporter 2 Acknowledgement of Receipt of Materials Printed/Typed Name | | Signature | | Month Day Year | | |
| 19. Discrepancy Indication Space 9) 07306 IAJ DCICIE 2072 | | | | | | |
| 20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in item 10 Printed/Typed Name Helen Ellis | | | | | | |
| Signature [Signature] | | Month Day Year 08/03/04 | | | NJA 5077688 | |



State of New Jersey
Department of Environmental Protection
Hazardous Waste Regulation Program
Manifest Section
P.O. Box 414, Trenton, NJ 08625-0414

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Form Approved

OMB No. 2050-0035

| | | | | | | | |
|---|--|--|--|--|--|---|--|
| UNIFORM HAZARDOUS WASTE MANIFEST | | 1. Generator's US EPA ID No. NY098701096477877 | | 2. Page 1 | | Information in the shaded areas is not required by Federal law. | |
| 3. Generator's Name and Mailing Address: 31-15 Park Avenue Street Flushing, New York 11354 | | 4. Generator's Phone: (718) 353-3482 | | 5. Transporter 1 Company Name: Clean Venture, Inc. | | 6. US EPA ID Number: MD0000027193 | |
| 7. Transporter 2 Company Name: Clean Venture, Inc. | | 8. US EPA ID Number: MD0000027193 | | 9. Designated Facility Name and Site Address: 217 South First Street Elizabeth, New Jersey 07208 | | 10. US EPA ID Number: NJ00002200048 | |
| 11. US DOT Description (Including Proper Shipping Name, Hazard Class or Division, ID Number and Packing Group) HM Non D.O.T. Regulated (PCB Liquor) | | | | 12. Containers No. XXI Type 1 | | 13. Total Quantity 13636 | |
| | | | | 14. Unit Wt/Vol 1 | | 15. Waste No. 1072 | |
| 16. Special Handling Instructions and Additional Information: Job # 51604 ERG 171 OSD: 70844 Manifest No 154585 VAC 130 | | | | 17. Handling Codes for Wastes Listed Above: S 01 | | | |
| 18. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford. Printed/Typed Name: George Jacob Signature: <i>[Signature]</i> Month Day Year: 10/31/04 | | | | | | | |
| 17. Transporter 1 Acknowledgement of Receipt of Materials Printed/Typed Name: FCO Signature: <i>[Signature]</i> Month Day Year: 10/31/04 | | | | | | | |
| 18. Transporter 2 Acknowledgement of Receipt of Materials Printed/Typed Name: CAILS, CULLINS Signature: <i>[Signature]</i> Month Day Year: 05/04/04 | | | | | | | |
| 19. Discrepancy Indication Space: TH NO CODES | | | | | | | |
| 20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19. Printed/Typed Name: Chen Gibson Signature: <i>[Signature]</i> Month Day Year: 10/31/04 | | | | | | | |

MATERIAL CREDIT

No.

UF-541

RETURNED FROM:

DATE

7/31/04

20

LOCATION OF STORE/ROOM

NAME

Con Edison
Farrington Pk

ADDRESS

SERIAL No.

LAYOUT No.

SHOP ORDER DEPT. No.

CREDIT TO

ACCOUNT OR
ORDER No.

STATISTICS

PART I

PART II

C7160

FOR USE BY ACCOUNTING DEPT. ONLY

FOR DEPARTMENT RETURNING MATERIAL

FOR STORES USE ONLY

DESCRIPTION

REASON
CODE

QUANTITY

QUANTITY

UNIT

CLASS
NOSTOCK
NOSUB OR
LOT NO

O/L water

5000

5000

from tanker 80413

INTO the WTF

5000

5000

SALES TAX DISTRICTS

RETURN REASON CODE

ITEM COUNT

1 NEW YORK CITY

2 YONKERS

3 MT. VERNON

4 WHITE PLAINS

5 NEW ROCHELLE

6 OTHER WESTCHESTER

1 USED MATERIAL

2 UNUSED MATERIAL NOT REQUIRED

3 CLAIM MATERIAL

4 SCRAP

5 FABRICATION

6 WRONG OR EXCESS MATERIAL SHIPPED

RECEIVED BY

MATERIAL

STORES
CLEARINGDATE PLACED
IN STOCK

TOTAL

DATE RETURNED

7/31/04

APPROVED

EMPLOYEE NO.

RETURNED BY

A. Joseph

EMPLOYEE NO.

83740

BUREAU

DEPARTMENT

6124 (EA) 2007 PURCH & STORES

1000 = ug/L = ug/Kg

Approved By: Jennifer M Dampf

Title: Specialist

ACC # C7160

60698 Tractor

80413 Tanker

7/31/04

5000 gal water

Farrington Pk

A. Joseph

CONSOLIDATED EDITION OF NY 100

MATERIAL CREDIT

No.

C/F 540

RETURNED FROM

LOCATION OF STOREROOM

DATE 7-31-04 20

NAME

CREDIT TO

ADDRESS

ACCOUNT OR
ORDER NO.

STATISTICS

SERIAL NO.

PART I PART II

LAYOUT NO.

MUN.

FOR USE BY ACCOUNTING DEPT ONLY

SHOP ORDER DEPT NO.

FOR DEPARTMENT RETURNING MATERIAL

FOR STORES USE ONLY

DESCRIPTION

REASON
CODE

QUANTITY

QUANTITY

UNIT

CLASS
NO.STOCK
NO.SUB OR
LOT NO.

1/2 60512 INTO WTF

3000

SALES TAX DISTRICTS

- 1 NEW YORK CITY
2 YONKERS
3 MT. VERNON
4 WHITE PLAINS
5 NEW ROCHELLE
6 OTHER WESTCHESTER

RETURN/REASON CODE

- 1 USED MATERIAL
2 UNUSED MATERIAL NOT REQUIRED
3 CLAIM MATERIAL
4 SCRAP
5 FABRICATION
6 WRONG OR EXCESS MATERIAL SHIPPED

ITEM COUNT

RECEIVED BY

MATERIAL

STORES
CLEARINGDATE PLACED
IN STOCK

TOTAL

DATE RETURNED

APPROVED

EMPLOYEE NO.

RETURNED BY

EMPLOYEE NO.

BUREAU

DEPARTMENT

B-1241(EA) 2/97 PURCH & STORES

Title: Specialist

PICK UP

VEHICLE #: 60512 DATE: 7-31-04

STRUCTURE #: ACCT #: C7160

QUANTITY: Water: 3000 OIL:

ELECTRICAL EQUIP DRAINED: YES NO

(IF YES DO NOT OFFLOAD AT WWTP)

WASTE WATER P/U IN WESTCHESTER: YES NO

(IF YES DO NOT OFFLOAD AT WWTP)

DRIVER: CASELLA

CONSOLIDATED EDISON CO. OF NY INC.

MATERIAL CREDIT

No.

UF-539

RETURNED FROM:

LOCATION OF STOREROOM

DATE 7-31-04 20

CREDIT TO

NAME CONED

ADDRESS FARRINGTON PTS

SERIAL No. 0000000000

LAYOUT No. MUN

SHOP ORDER DEPT. No.

ACCOUNT OR
ORDER No.

STATISTICS

PART

PART II

C7160

FOR USE BY ACCOUNTING DEPT. ONLY

FOR DEPARTMENT RETURNING MATERIAL

FOR STORES USE ONLY

DESCRIPTION

REASON
CODE

QUANTITY

QUANTITY

UNIT

CLASS
NO.STOCK
NO.SUB OR
LOT NO.

1/2 60450 INTO WTF

3500

SACES TAX DISTRICTS

RETURN REASON CODE

ITEM COUNT

1 NEW YORK CITY

2 YONKERS

3 MT. VERNON

4 WHITE PLAINS

5 NEW ROCHELLE

6 OTHER WESTCHESTER

1. USED MATERIAL

2. UNUSED MATERIAL NOT REQUIRED

3. CLAIM MATERIAL

4. SCRAP

5. FABRICATION

6. WRONG OR EXCESS MATERIAL SHIPPED

RECEIVED BY

MATERIAL

STORES

CLEARING

DATE PLACED

IN STOCK

TOTAL

DATE RETURNED

APPROVED

EMPLOYEE NO.

RETURNED BY

CASCIA

EMPLOYEE NO.

BUREAU

DEPARTMENT

19-124 (EAL 297 PURCH. & STORES)

Title: Specialist

PICK UP

VEHICLE #: 60450 DATE: 7-31-04

STRUCTURE #: ACCT #: C7160

QUANTITY: Water: 3500 OIL: /

ELECTRICAL EQUIP DRAINED: YES NO /

(IF YES DO NOT OFFLOAD AT WWTP)

WASTE WATER P/U IN WESTCHESTER: YES NO /

(IF YES DO NOT OFFLOAD AT WWTP)

DRIVER: CASCIA



DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF HAZARDOUS MATERIALS
One Winter Street Boston, Massachusetts 02108

~~DN023275~~ BK 826329

Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

| | | | | | | | | | | | | | |
|--|--|---|--|---------------------------------------|--|---|--|---|--|-----------------------------|--|-----------------------------------|--|
| UNIFORM HAZARDOUS WASTE MANIFEST | | 1. Generator's US EPA ID No. NYD987010964 | | Manifest Document No. 55450 | | 2. Page 1 of 1 | | Information in the shaded areas is not required by Federal law. | | | | | |
| 3. Consolidated Facility Name and Address 222 First Street Brooklyn, NY 11216 | | | | | | A. State Manifest Document Number MA Q 255450A | | | | | | | |
| 4. Generator's Phone 718 802-5513 | | | | | | B. State Gen ID 31-73 | | | | | | | |
| 5. Clean Harbors Env Services Inc | | | | | | C. State Trans. ID 60054 MA | | | | | | | |
| 7. Transporter 2 Company Name CLEAN HARBORS ENV SERVICES INC | | | | | | D. Transporter's Phone 781 840-1800 | | | | | | | |
| 8. US EPA ID Number MA0039322250 | | | | | | E. State Trans. ID 60054 MA | | | | | | | |
| 9. Clean Harbors of Braintree Inc 1 Hill Avenue Braintree, MA 02184 | | | | | | F. Transporter's Phone () | | | | | | | |
| 10. US EPA ID Number MA003452637 | | | | | | G. State Facility's ID NOT REQUIRED | | | | | | | |
| | | | | | | H. Facility's Phone () | | | | | | | |
| 11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number) NON DOT REGULATED (Pcb, Sludge) NA NONE | | | | | | 12. Containers No. Type 001 TT | | 13. Total Quantity EST. 11200 K | | 14. Unit Wt/Vol K | | 15. Waste No. MA02 B007 | |
| 16. Additional Descriptions (for Materials Listed Above) (Include physical state and hazard code.) REGIMENT PCB 50-499-ATM | | | | | | K. Handling Codes for Wastes Listed Above NA | | | | | | | |
| 17. Generator's Certification: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment. OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford. | | | | | | 24 HOUR EMERGENCY # (800) 483-3718 1-800-483-3718 | | | | | | | |
| 18. Facility Owner/Operator Certification of receipt of hazardous materials covered by the manifest except as noted in item 19. Clean Harbors has the appropriate permits for and will accept the waste the generator is shipping. | | | | | | | | | | | | | |
| 19. Discrepancy Indication Space | | | | | | | | | | | | | |
| 20. Facility Owner/Operator Certification of receipt of hazardous materials covered by the manifest except as noted in item 19. Clean Harbors has the appropriate permits for and will accept the waste the generator is shipping. | | | | | | | | | | | | | |

In case of emergency or spill, immediately call the National Response Center (800) 424-8802.

FACILITY

NYE 1582605

HAZARDOUS WASTE MANIFEST
P.O. Box 12820, Albany, New York 12212

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(Rev. 3/97)

IYS Department of Environmental Conservation (518) 457-7362

In case of spill or spill immediately call the National Response Center (800) 424-8802 and

GENERATOR

TRANSPORTER

FACILITY

| | | | | | | | | | | | |
|---|--|---|--|---|--|-----------------------|--|---|--|-------------------|--|
| UNIFORM HAZARDOUS WASTE MANIFEST | | 1. Generator's US EPA No. NY 090701096482005 | | Manifest Doc. No. 1 | | 2. Page 1 of 1 | | Information within heavy bold line is not required by Federal Law | | | |
| 3. Generator's Name and Mailing Address CONSOLIDATED ELECTRONIC COMPANY, INC. 3001 20 AVENUE LONG BEACH, CA 90805 | | | | A. NYE 1582605 | | | | | | | |
| 4. Generator's Telephone Number (714) 204-4000 | | | | B. Generator's ID SEE BOX 13 | | | | | | | |
| 5. Transporter 1 (Company Name) SALVATORE ASSOCIATES | | | | C. State Transporter's ID 965-10-11 | | | | | | | |
| 6. US EPA ID Number NY 090701096482005 | | | | D. Transporter's Telephone (718) 204-4000 | | | | | | | |
| 7. Transporter 2 (Company Name) | | | | E. State Transporter's ID | | | | | | | |
| 8. US EPA ID Number | | | | F. Transporter's Telephone () | | | | | | | |
| 9. Designated Facility Name and Site Address CONSOLIDATED ELECTRONIC COMPANY 3001 20 AVENUE LONG BEACH, CA 90805 | | | | G. State Facility ID | | | | | | | |
| 10. US EPA ID Number NY 090701096482005 | | | | H. Facility Telephone (718) 204-4000 | | | | | | | |
| 11. US DOT Description (Including Proper Shipping Name, Hazard Class and ID Number) | | | | 12. Containers Number Type | | 13. Total Quantity | | 14. Unit Wt/Vol | | I. Waste No. | |
| a. NON DOT regulated (Polyethylene Glycol, Solid) | | | | 002 | | 000200 | | K | | EPA STATE 8009 | |
| b. | | | | | | | | | | EPA STATE | |
| c. | | | | | | | | | | EPA STATE | |
| d. | | | | | | | | | | EPA STATE | |
| J. Additional Descriptions for Materials listed Above | | | | K. Handling Codes for Wastes Listed Above | | | | | | | |
| a. REG. SOLID | | | | c. | | | | a. <input checked="" type="checkbox"/> L <input type="checkbox"/> c | | | |
| b. | | | | d. | | | | b. <input type="checkbox"/> d <input type="checkbox"/> | | | |
| 15. Special Handling Instructions and Additional Information OILY WASTE R4161 31-43 FERRIMONT ST (PULVER YARD) QUEENS 24 HOUR EMERGENCY CONTACT: 718-204-4000 MUST H.C. 718-204-4000 | | | | | | | | | | | |
| 16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations and state laws and regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR if I am a small generator, I have made a good faith effort to minimize my waste and select the best waste management method that is available to me and that I can afford. | | | | | | | | | | | |
| Printed/Typed Name John D. Smith | | | | Signature John D. Smith | | | | Mo. Day Year 4 8 0 4 4 4 | | | |
| 17. Transporter 1 Acknowledgement of Receipt of Materials | | | | | | | | | | | |
| Printed/Typed Name John D. Smith | | | | Signature John D. Smith | | | | Mo. Day Year 4 8 0 4 4 4 | | | |
| 18. Transporter 2 Acknowledgement of Receipt of Materials | | | | | | | | | | | |
| Printed/Typed Name | | | | Signature | | | | Mo. Day Year | | | |
| 19. Discrepancy Indication Space Box 13A = 98K | | | | | | | | | | | |
| 20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19. | | | | | | | | | | | |
| Printed/Typed Name SALVATORE ASSOCIATES | | | | Signature S. Salvatore | | | | Mo. Day Year 0 8 0 3 0 4 | | | |

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NYE 1582605

DIVISION OF SOLID & HAZARDOUS MATERIALS

HAZARDOUS WASTE MANIFEST

P.O. Box 12820, Albany, New York 12212

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(Rev. 3/97)

EPA Department of Environmental Conservation (518) 457-7362

In case of spill or spill immediately call the National Response Center (800) 424-8802 and

GENERATOR

TRANSPORTER

FACILITY

| | | | | | | | | | |
|---|--|---|--|---|--|-------------------------------------|--|---|--|
| UNIFORM HAZARDOUS WASTE MANIFEST | | 1. Generator's US EPA No. NY 099701076482605 | | Manifest Doc. No. 1 | | 2. Page 1 of 1 | | Information within heavy bold line is not required by Federal Law | |
| 3. Generator's Name and Mailing Address Consolidated Edison Company 3rd Floor 100 West Street, New York, NY 10038 | | | | A. NYE 1582605 | | | | | |
| 4. Generator's Telephone Number (116) 212-3120 | | | | B. Generator's ID SFE Box 15 | | | | | |
| 5. Transporter 1 (Company Name) Consolidated Edison Company | | | | C. State Transporter's ID 9651037 | | | | | |
| 6. US EPA ID Number NY 099701076482605 | | | | D. Transporter's Telephone (116) 212-3120 | | | | | |
| 7. Transporter 2 (Company Name) | | | | E. State Transporter's ID | | | | | |
| 8. US EPA ID Number | | | | F. Transporter's Telephone () | | | | | |
| 9. Designated Facility Name and Site Address Consolidated Edison Company 3rd Floor 100 West Street, New York, NY 10038 | | | | G. State Facility ID | | | | | |
| 10. US EPA ID Number NY 099701076482605 | | | | H. Facility Telephone (116) 212-3120 | | | | | |
| 11. US DOT Description (Including Proper Shipping Name, Hazard Class and ID Number) | | | | 12. Containers | | 13. Total | | 14. Unit | |
| | | | | Number | | Type | | Quantity | |
| a. Non DOT regulated (Regulation 191.101) | | | | 002 | | DM | | 9200 K | |
| b. High level waste (Solid) | | | | | | | | | |
| c. | | | | | | | | | |
| d. | | | | | | | | | |
| J. Additional Descriptions for Materials listed Above | | | | K. Handling Codes for Wastes Listed Above | | | | | |
| a. PCB SOLID | | | | | | <input checked="" type="checkbox"/> | | <input type="checkbox"/> | |
| b. | | | | | | <input type="checkbox"/> | | <input type="checkbox"/> | |
| c. | | | | | | | | | |
| d. | | | | | | | | | |
| 15. Special Handling Instructions and Additional Information 24 hour emergency contact: 911 or 1-800-424-8802 R4161 31-43 FARRINGTON ST. (PUGH YARD) QUEENS most H.C. time | | | | | | | | | |
| 16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations and state laws and regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR if I am a small generator, I have made a good faith effort to minimize my waste and select the best waste management method that is available to me and that I can afford. | | | | | | | | | |
| Printed/Typed Name John A. King | | | | Signature John A. King | | | | Mo. Day Year 4 8 4 2 4 | |
| 17. Transporter 1 Acknowledgement of Receipt of Materials | | | | | | | | | |
| Printed/Typed Name John A. King | | | | Signature John A. King | | | | Mo. Day Year 4 8 4 2 4 | |
| 18. Transporter 2 Acknowledgement of Receipt of Materials | | | | | | | | | |
| Printed/Typed Name | | | | Signature | | | | Mo. Day Year | |
| 19. Discrepancy Indication Space Box 13A = 98K | | | | | | | | | |
| 20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19. | | | | | | | | | |
| Printed/Typed Name SALVATORE ASCIONE | | | | Signature Salvatore Ascione | | | | Mo. Day Year 4 8 0 3 0 4 | |

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